IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1749 OF 2004
IN
EXECUTION APPLICATION NO.456 OF 2003
IN
ARBITRATION CASE NO.A/29/2002/2003

M/s. Remi Fab. ..Plaintiff.
Vs.
M/s. Bhuvika Enterprises. ..Defendant.
And
Mr.Veerchand Tarachand Jain. ..Applicant.

Ms. Neeta Solanki i/by Kiran Jain for the Applicant.

Mr. Rakesh Jain for the Plaintiff.

CORAM : A.M. KHANWILKAR, J.
DATED : 5TH JULY, 2005

P.C.:

1. Heard counsel for the parties. Perused the pleadings and the accompanying documents.

2. From the documents on record, it is amply clear that the disputed property is owned by the applicant herein. Same was purchased by him by Deed of Transfer dated 4.3.1997. Thereafter, the applicant has been admitted as member of Nanubhai Niwas Co. Op. Housing Society Ltd. The Share Certificate indicates that the applicant has become owner of the

subject property and registered as member of the society as back as in 1998. The argument canvassed on behalf of the Judgment creditor that at no point of time the Judgment Debtor raised his objection or asserted that the disputed premises belong to the applicant, is of no avail. The fact remains that the applicant is owner of the property and there is nothing on record to suggest to the contrary. If it is so, chamber summons is made absolute in terms of prayer clause (a). No order as to costs.

(A.M. KHANWILKAR,J.)